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No. 959

FOOD AND FOREST SECRETARIAT

Order No. FFD 98 FCS 78.

Bangalore, dated 16th June 1978.

In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Tea (Registration of Dealers and Declaration of stocks) Second Order, 1978 (Order No. S. O. 345 (E), dated 20th May 1978 of the Government of India in the Ministry of Commerce, Civil Supplies and Co-operation (Department of Civil Supplies and Co-operation) the Government of Karnataka hereby mak s the following order, namely :—

1. Title Extent and Commencement.—(1) This order may be called the Karnataka Tea Dealers (Registration and Declaration of Stocks) Second Order, 1978.

(2) It extends to the whole of the State of Karnataka

(3) It shall come into force at once.

2. Definitions —In this Order unless the context otherwise requires-

(a) "Appellate Authority" means any officer appointed by the State Government in this behalf by Notification in the Official Gazette to exercise the powers and perform the duties of the Appellate Authority under this Order;

(b) "Bulk Consumer" means a hotel, restaurant, hostel, or hospital.

(c) "Commission Agent" means a commission agent having in the customary course of business as such agent authority either to sell tea, or to consign tea for the purposes of sale or to buy tea

(d) Dealer' means a person engaged in the business of purchase, sale or storage for sale of any tea whether or not in conjunction with any other business and includes his representative or agent broker, commission agent, manufacturer and a warehouse keeper ;

(e) 'Form' means a form appended to this order;

(f) 'Registration Authority' means any officeer appointed by the State Government in this behalf to exercise the powers and perform the duties of the Registration Authority under this Order for different areas of the State ;

(g) "Registered Dealer" means a dealer who has been granted registration to carry on business of purchase, sale or storage for sale of any tea under this Order ;

(h) "Tea" means the plant Camellia Sinens is (L) O. Kunte as well as all varieties of the product known commercially as tea made from the leaves of the said plant, including green tea;

(i) "Warehouse Keeper" means a person who owns or maintains a warehouse wherein tea is stocked or stored for the purposes of sale either by auction or otherwise.

(j) "State Order' means any order issued by the State Government under the provisions of the Essential Commodities Act, 1955 (Act 10 of 1955) in relation to tea and in force for time being ;

(k) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Tea Act, 1953 (Act 29 of 1953).

3. Prohibition against carrying on business as a dealer without registration –

(i) No person shall after 19th June 1978, carry on business as a dealer in tea, if the stocks of tea in his possession exceed 1,000 kilograms unless he is registered as such in accordance with the provisions of this order;

Provided that where any person carrying or business as a declare has registered under clause 3 of the Karnataka Tea Dealers (Registration and Declaration of stocks) Order, 1978 he shall be deemed to have been registered under this clause.

(2) Order not to apply in certain cases.–Nothing in this order shall apply.–

(i) to a Corporation or company owned or controlled by the Central Government or a State Government, or

(ii) to any Central level or State level Co-operative Society engaged in the production, procurement sales purchase or distribution of tea.

(3) A separate registration shall be necessary for each place of business to carry on business as a dealer.

4. Application for Registration.—(1) Every application for registration or renewal thereof shall be made to the Registration Authority in Form 'A'.

(2) Every Registration granted or renewed to carry on business as a dealer under this Order shall be in form 'B'.

5. Period of Registration and fees chargeable.—

(1) Every Registration granted under this order shall be valid for a period ending with the 31st December of the year in which it is issued and may be renewad for a further period of one year at a time, if the Registration Authority is satisfied that the applicant is suitable for grant of a registration.

(2) The fees payable in respect of each class of registration for every year or part thereof shall be as follows —

(a) For Registration as a ;—				
(i) Dealer	..	Rs. 50	(Rupees Fifty	Only)
(ii) Commission Agent	..	Rs. 50	(do	)
(iii) Manufacturer	..	Rs. 50	(do	)
(iv) Warehouse keeper	..	Rs. 50	(do	)
(v) Broker	..	Rs. 50	(do	)

(b) For renewal of Registration is applied before the 31st December of the year.

(i) Dealer	Rs. 25	(Rupees Twentyfive	Only
(ii) Commission Agent	Rs. 25	(do	)
(iii) Manufacturer	Rs. 25	(do	)
(iv) Warehouse keeper	Rs 25	(do	)
(v) Broker	Rs. 25	(do	)

(c) For renewal of Registration, if applied for after the 31st December of the year but before the 1st February of the year following —

(i) Dealer	..	Rs. 30	(Rupees Thirty	Only)
(ii) Commission Agent	..	Rs. 30	(do	)
(iii) Manufacturer	..	Rs. 30	(do	)
(iv) Warehouse keeper	..	Rs. 30	(do	)
(v) Broker	..	Rs. 30	(do	)

(d) For Grant of Duplicate Registration ,—

(i) Dealer	..	Rs. 30	(Rupees Thirty	Only)
(ii) Commission Agent	..	Rs. 30	(do	)
(iii) Manufacturer	..	Rs. 30	(do	)
(iv) Warehouse keeper	..	Rs. 30	(do	)
(v) Broker	..	Rs. 30	(do	)

6. Deposit of Security :—(1) Every dealer applying for a Registration shall, before granting Registration to him, deposit with the Registration Authority a Security of the value of Rs. 500/—(Five hundred repees) for the due performance of the conditions subject to which the registration is granted to him.

(2) The amount of security to be deposited may be in the form of cash, bank draft, bank guarantee, National Savings Certificate or Savings Bank Deposit.

7. Maintenance of Accounts :—(1) Every dealer shall maintain a register of daily accounts of his stocks of tea showing the following particulars, namely :-

(a) the opening stock of tea on each day ;

(b) the quantities of tea received during the day showing the place from where and the source from which the same are received.

(c) the quantities of tea delivered or otherwise removed during the day ; and :

(d) the closing stock of tea at the end of the day

2. Every dealer shall complete his accounts for each day commencement of business on the next working day.

8. DEALER NOT TO WITHHOLD STOCKS FROM SALE

No dealer shall withhold from sale or refuse to sell tea ordinarily kept for sale.

9. DEALER TO ISSUE RECEIPT, INVOICE OR CASH MEMO

Every dealer shall issue to every purchaser a correct receipt, invoice or cash-memo, as the case may be, showing his own name and address, the date of transaction, the quantity and commodity sold, the price per unit of sale and the

total amount charged, and shall keep a duplicate of the same to be available for inspection:

Provided that in respect of tea declared scarce by the Director of Food and Civil Supplies in Karnataka, Bangalore the dealer shall in addition to the above details give on the receipt, invoice or cash memo mentioning the name and address of the buyer and also obtain the signature of the buyer on it.

10. DISPLAY OF STOCKS AND PRICES

(a) Every dealer shall exhibit at the entrance or some other conspicuous part of his place of business a statement indicating the price inclusive of all taxes in terms of Kilogrammes and stocks of tea in his possession available for sale at the commencement of each working day.

(b) The statement of stock and the statement of price displayed by the dealers of tea shall specify the name of the tea in English or Kannada or in any other Language known to the majority of the purchasers in the area concerned and the price in the international form of numerals.

11. DEALER TO GIVE FACILITIES FOR INSPECTION

Every dealer shall give all facilities at all reasonable times to any Enforcement officer for inspection of his stocks and accounts at any shop, godown or other places used by him for the storage sale or purchase of tea.

12. REPLACEMENT OF DEFACED, LOST OR DESTROYED REGISTRATION

If a registration granted under this order is defaced, lost or destroyed an application furnishing true and correct information in such form as may be required by the Registration Authority may be made to him for grant of a duplicate registration after paying the fees specified in Sub-clause (2) of clause 5 and the Registration Authority may after making such inquiry as he deems fit, grant a duplicate registration.

13. POWER TO REFUSE REGISTRATION

The Registration Authority may, after giving the applicant an opportunity of being heard and for reasons to be recorded in writing refuse to grant or renew a registration.

14. CONTRAVENTION OF CONDITIONS OF REGISTRATION.

No holder of a registration granted under this order or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the registration and if any such holder or his agent or servant or any other person acting on his behalf, contravenes any of the said terms or conditions then without prejudice to any other action that may be taken against him, his registration may be cancelled or suspended by order in writing by the Registration Authority.

Provided that no order shall be made under this clause unless the registered dealer has been given a reasonable opportunity of being heard.

15. FORFEITURE OF SECURITY DEPOSIT

1. Without prejudice to the provisions of clause 9 of this order if the Registration Authority is satisfied that the registered dealer has contravened any of the terms and conditions of the registration and that a forfeiture of his security deposit is called for, it may after giving the registered dealer a reasonable opportunity of being heard by order forfeit the whole or any part of the security deposited by him and communicate a copy of the order to such a registered dealer.

2. The registered dealer shall if the amount of security at any time falls short of the amount specified in clause 6 forth with deposit further security to make up that amount on being required by the Registration Authority to do so.

3. Upon the compliance by the registered dealer with all obligations under the Registration the amount of security or such part thereof which is not forfeited as aforesaid shall be returned to the registered dealer after the termination of the registration.

16. APPEAL.—(1) Any person aggrieved by any order of the Registration Authority refusing to grant or renew a registration or cancelling or suspending a registration or forfeiting the security deposited by the registered dealer under the provisions of this order may appeal to the Appellate Authority notified by the Government within thirty days of the date of receipt by him of such order.

(2) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of being heard.

(3) Pending the disposal of an appeal, the Appellate Authority may pass on order that the order under appeal shall not take effect until such appeal is disposed of.

17. POWERS OF ENTRY, SEARCH SEIZURE ETC.,—

(1) The Registration Authority or any other Officer authorised by the State Government in this behalf may, with a view to, securing compliance with this order or to satisfying, himself that the provisions of this order have not been contravened ;

(a) require the owner, occupier or any other person incharge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provisions of this order of the conditions of any registration issued thereunder has been, or is about to be committed, to produce any book, accounts or other documents showing transactions relating to such contraventions and take or cause to be taken, extracts from or copies of such books of accounts or other documents produced before him ;

(b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or the conditions of any registration granted thereunder has been is being, or is about to be committed.

(c) search, seize and remove stocks of and the animals, vehicles, vessels or other conveyances used in carrying the tea in contravention of the provisions of this Order, or of the conditions of the registration granted thereunder, and thereafter take or authorise the taking of all measures necessary,

(i) for securing the production of stocks of tea so seized before the Collector as required by section 6-A, or in a Court ; and

(ii) for securing the production of the animals, vehicles, vessels or other conveyances so seized in a court ; and for their safe custody pending such production,

(2) The provisions of section 100 of the Code of Criminal procedure, 1973 (Act II of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

18. POWER TO GRANT EXEMPTIONS.—

The State Government may, if it is necessary in the public interest so to do, by order exempt any person or class of persons from the operation of all or any of the provisions of this Order for such period and subject to such conditions, if any, as may be specified, and may at any time suspend or cancel such exemption.

19. POWER TO CALL FOR AND EXAMINE RECORDS AND PROCEEDINGS IN CERTAIN CASES.—

The State Government may suo motu or an application made to it by an aggrieved person, at any time call for and examine the record of any enquiry, or proceedings of any authority exercising or failing to exercise the powers under this order to suspend or cancel any registration granted for the purpose of satisfying itself as to the legality or propriety of any decision or order passed by such Officer and so as to regularise the proceedings of such Officer and may pass such order thereon as it thinks fit ;

Provided that the State Government shall not pass any order under this clause which adversely affects any dealer unless such dealer has been given a reasonable opportunity of being heard.

20. REPEAL —The Karnataka Tea Dealers (Registration and Declaration of Stocks) Order, 1978 issued in Order No. FFD 98 FCS 78 dated 12th May 1978, is hereby repealed except as respects things done or omitted to be done under the order so repealed.

FORM-A

(See Clause 4)(1)

Karnataka Tea Dealers (Registration and Declaration of Stocks) Second Order 1978–Form of Application for Issue/Renewal of Registration as Dealer, Broker/Commission Agents/Manufacture/Warehouse Keeper.

1. Name and age of the applicant (In the case of a Firm or Company the name of the such Firm or Company with the name, age and designation of the person responsible for the entire affairs of such organisation)	
2. Residential Address of the applicant ..	
3. Complete postal address of the applicant's place of business including details of godowns where tea are proposed to be stored ..	
4. How long has the applicant been trading in Tea ..	
5. Details of all the registrations issued by the Department of Food and Civil Supplies to the applicant ..	
6. Quantity of Tea handled by the applicant during the 12 months period prior to 31st December ..	
7. Quantity likely to be handled in the next twelve months ..	

8. Whether the applicant has been convicted in a court of law or found guilty in any Departmental Inquiry regarding breach of any other Control Orders, if so, furnish details ..

9. Income Tax paid in the two years preceding the years of application (to be indicated separately) ..

10. If the applicant is a Manufacturer full details of the milling/processing plant together with its working capacity with complete postal address should be furnished ..

11. Quantity of tea in the possession of the applicant on the date of application ..

I declare that the quantities of tea specified above are in my possession this day and are held at the places noted above

I have carefully read the conditions of registration in Form-B appended to the Karnataka Tea Dealers (Registration and Declaration of Stocks) Second Order, 1978 and I agree to abide by them

I declare that this is the first time I am applying for a registration in this District for Tea.

I hereby apply for grant of a fresh/renewal of Registration No..... dated .... issued to me on ....

I declare that the information furnished above is correct.

Date ....

Signature of the applicant
(With Designation & Seal of the Firm if any

* Strike off the matter which is not applicable

FORM "B"

(Not Transferable)
See Cl. 4 (2)

Dealers/Broker/Commission Agent/Manufacturer/Warehouse Keeper, registration for purchase, sale/and storage for sale of tea under the Karnataka Tea Dealers (Registration and Declaration of Stocks Second Order, 1978.

Registration No.

1 Subject to the provisions of the Karnataka Tea Dealers (Registration and Declaration of stocks) Second Order 1978 and to the terms and conditions of this Registration is granted to Sri/M/s.....
.....is/or hereby registered to engage in the business of purchase, sale or storage for sale of tea.

2 (a) The registered dealer shall carry on the aforesaid business at the following places :—

(b) Tea shall not be stored at any place other than any of the godowns mentioned below :—

Note :—If the registered dealer intends storing his stocks of tea in places other than these specified above, he shall give prior intimation and in cases where it is found difficult to give prior intimation to the Registration Authority, intimation of taking over godowns for storge in such cases should be given to the Registration authority within forty eight hours of the actual occupation of the godown/s and in either case, the registered dealer shall produce the registration for making requisite changes by the Registration Authority.

3 The registered dealer shall submit in the Form prescribed to the Registration Authority concerned and the Director of Food and Civil Supplies (Civil Supplies Wing), true return showing the stocks, receipts and deliveries of tea every fortnight (fifteenth and the last day of every month). The return should be submitted so as to reach the concerned within 4 days of the stipulated date.

4. The Registered dealer shall give all facilities at all reasonable times during the normal working hours of his business concern to the Registration Authority or any other Officer authorised by him for inspection of his stocks and accounts.

5. The Registered dealer shall not contravene any of the provisions of the Karnataka Tea Dealers (Registration and Declaration of Stocks) Second Order, 1978 or any other order relating to tea issued under the Essential Commodities Act 1955 (10 of 1955) either by the State or Central Government.

6. The registered dealer shall not :—
   (i) have in his possession or under his control stock in excess or short of the net quantity of tea revealed by his accounts.
   (ii) keep the stocks of tea in his premises or godowns when once they are sold by him.

7. The registered dealer shall comply with any direction that may be given to him by the State Government or the Director of Food and Civil Supplies or the Registration Authority in regard to purchase sale and storage for sale of tea and in regard to the language in which the register, returns receipts or invoices mentioned above shall be written and authentication and maintenances of the registers, etc.

8. This registration shall be valid upto the end of December of the year of issue.

Place :—
Dated the.....day of.....1978.

Registration Authority,
..... Area.

By Order and in the name of the Governor of Karnataka,

K. A. PADMASALI,
Under Secretary to Government,
Food & Forest Department.

Ex. No 959—2